

### REMARKS

Claims 11, 23, 24, 27, 28, 30, 33, 36-38 and 40 are pending and remain for consideration. Claims 1-10, 12-22, 25, 26, 29, 31, 32, 34, 35, 39, 41 and 42 have been previously canceled.

Claims 11, 23, 24, 27, 28, 30, 33, 36-38 and 40 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kitahama et al. (U.S. Pat. No. 5,217,155) in view of Bischofberger et al. (U.S. Pat. No. 5,290,990). The rejection is traversed and reconsideration is respectfully requested.

The Examiner believes that Kitahama discloses that end portions are brought into contact with each other because of metal flow. The Examiner also believes that it would have been obvious to one of ordinary skill in the art to use blocks for clamping as taught by Bischofberger in the Kitahama system to arrive at the claimed invention. Applicants respectfully disagree with the Examiner's characterization of the references and the rejection based thereon.

Kitahama is directed to a method of continuously hot-rolling sheet bars that includes pressing rolls 5 "for thickness reduction of at least the two widthwise directional ends, or corners, of each successive rear end portion of the cut leading sheet bar 1 and/or the front end portion of the trailing sheet bar 2" (col. 3, lines 18-22). The sheet bars 1 and 2 are initially abutted against one another. The thickness reduction applied to the end portions brings those end portions into contact with one another, but purposefully results in the formation of a gap ("g") between the two sheet bars 1 and 2.

There are several significant differences between Kitahama and the apparatus and method as recited in claims 11, 23, 24, 27, 28, 30, 33, 36-38 and 40 of the present application. First, Kitahama shows a method for hot-rolling sheet bars. Claims 11, 23, 24, 27, 28, 30, 33, 36-38 and 40, on the other hand, recite an apparatus and method for handling a pair of sheet metal workpieces to be welded. Hence, the joining process is fundamentally different. Second, the first and second workpiece holders of claims 11, 23, 24, 27, 28, 30, 33 and 36 are positioned so that an edge of one of the

pair of sheet metal workpieces is in contact with, or separated a gap from, an edge of the other sheet metal workpiece, and the wherein force selectively applied to the squeeze roller causes plastic deformation of one of the pair of sheet metal workpieces and thereby causes the deformed sheet metal workpiece to extend into the gap. Kitahama, in contrast, teaches that sheet bars 1 and 2 abut one another until thickness reduction is applied to the edge portions at which point the workpieces separate from another; i.e., the exact opposite from the functionally described elements of the claimed apparatus and method. Finally, Kitahama actually teaches away from the apparatus and method as recited in claims 11, 23, 24, 27, 28, 30, 33, 36-38 and 40 by indicating that abutting sheet bars that do not have thickness reduction at the ends are not adequately joined by hot rolling (col. 7, lines 49-58).

The Examiner believes that Bischofberger provides clamping and holding elements as recited in claims 11, 23, 24, 27, 28, 30, 33, 36-38 and 40. Applicants respectfully submit that the teachings of Bischofberger do not supply the deficiencies of Kitahama necessary to support the rejection.

In addition, there is no suggestion or motivation to combine the teachings of Bischofberger and Kitahama. As indicated above, the joining processes of Kitahama (i.e., hot-rolling) are fundamentally different from those used in Bischofberger (i.e., welding). The above-identified section of Kitahama (col. 7, lines 49-58), wherein Kitahama teaches away from plastically deforming a workpiece to fill any gap between adjacent workpieces, illustrates the differences and the lack of motivation to combine the processes. For at least the foregoing reasons, it is respectfully submitted that the teachings of Kitahama and Bischofberger when taken either alone or in combination do not render obvious claims 11, 23, 24, 27, 28, 30, 33, 36-38 and 40.

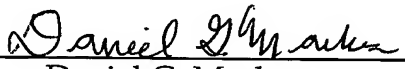
Moreover, regarding claim 24, Bischofberger does not disclose a workpiece brake disposed at an acute angle relative to the contacted sheet metal workpiece. As stated in the present application, the claimed orientation of the workpiece brake is advantageous because it provides desirable access to the joint zone for auxiliary devices; e.g., sensors, etc. Accordingly, it is respectfully submitted that the teachings

of Kitahama and Bischofberger when taken either alone or in combination do not render obvious claim 24.

In view of the foregoing, it is respectfully submitted that claims 11, 23, 24, 27, 28, 30, 33, 36-38 and 40 are in condition for allowance. All issues raised by the Examiner having been addressed, an early action to that effect is earnestly solicited.

Applicants herein petition for a three-month extension of time to file this Response. A check in the amount of \$1020.00 is enclosed to cover the extension fee. No additional fees or deficiencies in fees are believed to be owed. However, authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any such fees are owed.

Respectfully submitted,

By   
Daniel G. Mackas  
Registration No. 38,541  
Attorney for Applicants

McCORMICK, PAULDING & HUBER LLP  
CityPlace II, 185 Asylum Street  
Hartford, CT 06103-3402  
(860) 549-5290